## MISCELLANY.

**Our Vacant Federal Judgeship.**—The United States Senate seems to be in doubt about the wisdom of the nomination of Mr. Herbert F. Seawell, of North Carolina, for the Federal judgeship in the Eastern District of that State, made vacant by the death of Judge Purnell. The Virginia press has thus far manifested little editorial interest in the nomination, douptless considering it a matter local to North Carolina. And so it is in one sense, namely, as regards the district and circuit court work. But from another standpoint, which seems to have escaped general attention, the subject is one of the greatest importance to the people of this and of four other States.

Owing to the peculiar structure of our Federal appellate judiciary, the district judges of Maryland, West Virginia, Virginia, North Carolina and South Carolina are required upon designation to sit in the United States Circuit Court of Appeals for the Fourth Judicial Circuit, which is practically the court of last resort from the Federal Circuit and District Courts of the five States mentioned. For, while it is true that the decisions of the Circuit Courts of Appeals are reviewable by the Supreme Court of the United States, such appeals are not matters of right, and are rarely allowed, the estimate being that 90 per cent. of the applications for the allowance of a writ of error or review are denied. The result is, of course, that the decisions of the three judges, or a majority of the three, constituting the Circuit Court of Appeals are final. That is to say, in the vast majority of all controversies in the Federal courts involving life, liberty or property rights within any given territory, this court pronounces the last word.

Of what great moment, then, to the people of the entire country are the personality, character and professional ability of a man nominated for a Federal district judgeship. It is safe to say that were there at this time a vacancy in the membership of the Supreme Court of Appeals of Virginia, the attention of the entire State would be directed to the importance of the selection of a learned and upright man to fill it. And yet, when the identical question is presented to us from a Federal point of view, we slumber on peacefully and evince no interest.

We know little of the qualifications of Mr. Seawell for the office, although they are being, it seems, seriously questioned. The fact cannot be overlooked, without an intentional closing of the eyes, that the number of possible appointees to Federal judgeships in the South from the members of the Republican party is limited. We do not propose disagreeably to emphasize or to discuss the reasons for this. It is a fact, however, and probably the more candid members of the party in question will acknowledge it to be such. We of the South have unquestionably had many excellent judges of that political persuasion, and we have had a few who were not so excellent.

We are looking forward with interest and confidence to the judicial appointments of President Taft. The simple truth of history is that President McKinley's appointments in this department of the government did not shed any great lustre upon his administration. This was notably the case with one of his North Carolina appointments his nominee being rejected by a Republican Senate for no other reason than lack of legal education and ability. Twice again did Mr. McKinley send in the nomination, and twice again was it rejected. Nor can the friends of President Roosevelt claim with any confidence that his administration will shine in history in this particular. Both these eminent men seem to have regarded a Federal district judgeship as of about the same relative importance as a collectorship of a port or a first-class postmastership. President Harrison, himself a great lawyer, gave the country fine judges, and we believe, as we have indicated, that President Taft, himself a great judge, will demand the highest qualifications of every applicant for judicial position. Certainly he can do nothing to commend him more strongly to the confidence and gratitude of the South than to fill its Federal tribunals with men who are in every respect worthy of the great trust.—Richmond (Va.) Times-Dispatch.

## IN VACATION.

**"Respectable" Liquor Dealers.**—It was seriously (but unsuccessfully) urged in a Nebraska case that an applicant for a liquor license was not entitled to it because he did not have a respectable character, and that he did not have a respectable character because he applied for a license to sell liquors.—Case and Comment.

**Outwitting the Lawyer.**—"Still, there are occasions when a lawyer isn't the chief beneficiary of a suit," said Mrs. Stonewall Jackson. "I know of one instance. A friend of mine in Virginia sued a railroad company for damages and secured a verdict for $50,000, which was paid, and the whole amount is now in bank subject to her order. Her counsel didn't get a penny of it."

"How was that?"

"She found the only way of outwitting him—she married the lawyer."—Central Law Journal.